

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ILLINOIS NATIONAL INSURANCE COMPANY,
THE INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA;
and THE METROPOLITAN TRANSPORTATION
AUTHORITY,

Plaintiffs,

v.

TUTOR PERINI CORPORATION,

Defendant.

CASE NO. 11-CV-00431 (PKC)

**DEFENDANT'S NOTICE OF
MOTION TO DISMISS OR
STRIKE THE METROPOLITAN
TRANSPORTATION AUTHORITY
AS PLAINTIFF**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Carrie L. Maylor, Esq., sworn to on July 14, 2011, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this Motion, and the pleadings herein, Defendant Tutor Perini Corporation will move this Court before the Honorable P. Kevin Castel, United States District Judge, for an order dismissing the MTA from this action pursuant to Fed. R. Civ. P. 12(b)(1) and 12(h)(3) or striking the MTA as a plaintiff in this action pursuant to Fed. R. Civ. P. 12(f), and granting such other and further relief as the Court deems just and proper.

Dated: July 14, 2011
New York, New York

ANDERSON KILL & OLICK, P.C

By: /s/ Finley T. Harckham

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